

UNITED STATES DISTRICT COURT
PROBATION OFFICE
DISTRICT OF NEW JERSEY

CHRISTOPHER MALONEY
CHIEF PROBATION OFFICER

WILFREDO TORRES
SENIOR DEPUTY CHIEF PROBATION OFFICER

DEPUTY CHIEF PROBATION OFFICER
THOMAS C. MILLER

July 12, 2010

SUPERVISION UNIT
20 WASHINGTON PLACE
6TH FLOOR
NEWARK, NJ 07102-3172
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The Honorable Dickinson R. Debevoise
Senior U.S. District Court Judge
Martin Luther King Jr., Federal Courthouse
50 Walnut Street
Newark, New Jersey 07102

7-14-10

RE: RAMIREZ, Oswaldo
DKT# 04-00719-001

REQUEST FOR THE ISSUANCE OF WARRANT AND TRANSFER OF JURISDICTION

Dear Judge Debevoise:

On October 11, 2006, the above-named offender appeared before Your Honor for sentencing on a charge of Conspiracy to Distribute Heroin. At that time, the offender was sentenced to 51 months custody and five years of supervised release to follow. The offender began his supervised release term in the Southern District of Texas on February 13, 2008.

On January 15, 2009, the Court was notified that the offender left the district without permission and failed to participated in drug treatment. No action was recommended and the Court concurred. On December 9, 2009, the Court was notified that the offender tested positive for marijuana and a recommendation for a 45-day residential treatment program was approved by the Court.

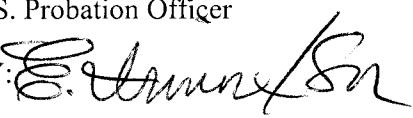
We respectfully recommend the issuance of a warrant based on the offender's recent arrest for Possession of Cocaine (1 to 4 grams); he is currently incarcerated. The offender has also allegedly violated several other conditions of his supervised release as noted in the attached Probation 12C Petition prepared by U.S. Probation Officer Bryan Demar of our Houston, Texas office. Please also be advised that the Southern District of Texas is requesting jurisdiction of this case, and we have attached the Probation Form 22 to initiate this transfer.

Should Your Honor have any questions or wish to discuss this matter, please feel free to contact the undersigned officer at (973) 645-6243.

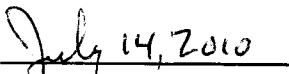
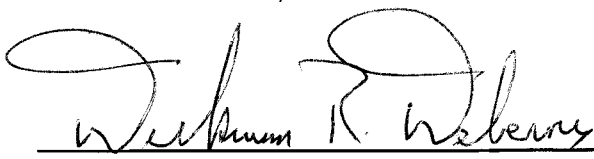
Respectfully submitted,


CHRISTOPHER MALONEY, Chief
U.S. Probation Officer

BY:


Edward J. Irwin
U.S. Probation Officer

EJI:
Enclosures

PROB 22A (08/05) UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS INTRA-DISTRICT TRANSFER OF REVOCATION PROCEEDINGS	DOCKET NUMBER 2:04CR00719-001 DIVISION District of New Jersey
NAME AND ADDRESS OF SUPERVISED PERSON Ramirez, Oswaldo Houston, Texas 77002	NAME OF SENTENCING JUDGE Dickinson R. Debevoise DATE OF SUPERVISION FROM 02/13/2008 TO 02/12/2013
OFFENSE Conspiracy to distribute heroin, 21 U.S.C. 846	
Transferring Division U. S. Probation Officer: Edward Irwin	Receiving Division U.S. Probation Officer: Bryan Demar
COMMENTS:	
ORDER TRANSFERRING REVOCATION PROCEEDINGS	
UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS, HOUSTON DIVISION:	
<p>The revocation proceedings of this offender, initiated by Petition dated 06/17/2010, are transferred with the records of this Court to the United States District Court, HOUSTON Division.</p> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 20px;"> <div data-bbox="165 1734 454 1840" style="text-align: center;">  <u>July 14, 2010</u> Date </div> <div data-bbox="735 1649 1329 1883" style="text-align: center;">  Dickinson R. Debevoise U. S. District Judge </div> </div>	

<div>PROB 22A (08/05)</div> <div>UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS INTRA-DISTRICT TRANSFER OF REVOCATION PROCEEDINGS</div>		<div>DOCKET NUMBER 2:04CR00719-001</div> <div>DIVISION District of New Jersey</div>	
<div>NAME AND ADDRESS OF SUPERVISED PERSON Ramirez, Oswaldo Houston, Texas 77002</div>		<div>NAME OF SENTENCING JUDGE Dickinson R. Debevoise</div> <div>DATE OF SUPERVISION FROM 02/13/2008 TO 02/12/2013</div>	
<div>OFFENSE Conspiracy to distribute heroin, 21 U.S.C. 846</div>			
<div>Transferring Division U. S. Probation Officer: Edward Irwin</div>		<div>Receiving Division U.S. Probation Officer: Bryan Demar</div>	
<div>COMMENTS:</div>			
<div>ORDER TRANSFERRING REVOCATION PROCEEDINGS</div>			
<div>UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS, HOUSTON DIVISION:</div> <div>The revocation proceedings of this offender, initiated by Petition dated 06/17/2010, are transferred with the records of this Court to the United States District Court, HOUSTON Division.</div> <div><div><div>July 14, 2010 Date</div><div> Dickinson R. Debevoise U. S. District Judge</div></div></div>			

PROB 12C
(07/06)

UNITED STATES DISTRICT COURT
for the
DISTRICT OF NEW JERSEY

Petition for Warrant or Summons for Offender Under

RECEIVED
JUN 25 2010
U.S. Probation Office
20 Washington St.
Newark, NJ
Case Number: 04CR00719-001

Name of Offender: Oswaldo Ramirez

Name of Sentencing Judge: The Honorable Dickinson R. Debevoise

Date of Original Sentence: October 10, 2006

Original Offense: Conspiracy to distribute heroin, 21 U.S.C. § 846

Original Sentence: 51 months custody. \$100 special assessment. Five years supervised release. Special conditions: participate in a alcohol/drug treatment program and cooperate with the collection of DNA.

Type of Supervision: Supervised Release Supervision Started: February 13, 2008

Assistant U.S. Attorney: Richard Brown, AUSA Defense Attorney: Anthony Mack-Appointed

EARLIER COURT ACTION

01/15/09: A petition was filed with the Court due to leaving the district without permission, and failure to participate in drug treatment. The Court concurred with recommendation of the probation officer for no action to be taken.

12/09/09: A petition was filed with the Court due to positive urine specimen for marijuana. The Court concurred with referral to a 45 day residential substance abuse treatment program in Houston, Texas.

PETITIONING THE COURT

TO ISSUE A WARRANT for defendant located at HARRIS COUNTY JAIL, HOUSTON, TEXAS

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1

NEW LAW VIOLATION (MANDATORY CONDITION): On April 8, 2010, Mr. Ramirez was arrested by the Houston Police Department and charged with the offense of possession of controlled substance (1 to 4 grams of cocaine), in violation of Texas Penal Code HSC 481.115(c). The case is pending in Harris County District Court, No. 338, Cause Number 1258381. Mr. Ramirez remains in the Harris County Jail in Houston, Texas. Bond was not issued in this case.

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- 2 **THE DEFENDANT SHALL NOT LEAVE THE JUDICIAL DISTRICT WITHOUT THE PERMISSION OF THE PROBATION OFFICER (STANDARD CONDITION):** On December 25, 2008, Mr. Ramirez received a traffic ticket from the Jewett Police Department in Jewett, Texas, for speeding and driving without a driver's license. Mr. Ramirez agreed to pay the fine cost of \$600. Mr. Ramirez did not have permission from the probation officer to travel to Jewett, Texas, which is located in the Western District of Texas.
- 3 **USE/POSSESSION OF A CONTROLLED SUBSTANCE (STANDARD CONDITION):** On October 29, 2009, Mr. Ramirez submitted a urine specimen which tested positive for marijuana. The Regional Drug Laboratory in San Antonio, Texas, conducted an analysis and confirmed the positive specimen. Mr. Ramirez admitted to the use of marijuana.
- 4 **FAILURE TO PARTICIPATE IN DRUG TREATMENT AS DIRECTED BY THE PROBATION OFFICER (SPECIAL CONDITION):** Mr. Ramirez failed to participate in scheduled individual counseling sessions at the Unlimited Vision Aftercare Program, Inc., in Baytown, Texas, for the months of August, September, and November 2008.

On December 20, 2009, Mr. Ramirez was unsuccessfully discharged from the Cheyenne Center Supportive Residential Program in Houston, Texas, for non-compliance with the rules and regulations of the program. Mr. Ramirez was referred to another residential treatment program.

On April 3, 2010, Mr. Ramirez was unsuccessfully discharge from the Directions of Recovery Residential Substance Abuse Program in Houston, Texas , for failure to comply with the rules and regulations of the program. and leaving the program without permission from staff and the probation officer.

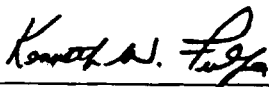
U.S. Probation Officer Recommendation:

- ☒ The term of supervision should be
 ☒ revoked.
 ☐ extended for years, for a total term of years.

☐ The conditions of supervision should be modified:

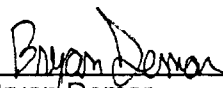
Approved:

Respectfully submitted:



Joe Flores, Supervising
U.S. Probation Officer

by




Bryan Demar
U.S. Probation Officer
June 17, 2010

Name of Offender: Oswaldo Ramirez
Case Number: 2:04CR00719-001
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THE COURT ORDERS:

- ☐ No Action
- ☒ The Issuance of a Warrant, and no bond.
- ☐ The Issuance of a Warrant, and a bond of \$_____ cash/surety with supervision as directed by the Probation Officer as a condition of said bond.
- ☐ The Issuance of a Summons.
- ☐ Other:



Dickinson R. Debevoise
U. S. District Judge

July 14, 2010
Date